

REMARKS

Summary of the Amendment

Upon entry of the above amendment, claims 48-50 will have been amended and claims 51-60 will have been added. Accordingly, claims 1-35, 38, 40-44 and 48-60 will be pending, with claims 1 and 48-50 being independent.

Summary of the Official Action

In the instant Office Action, the Examiner reopened prosecution following the filing of an Appeal Brief. The Examiner then rejected claims 48-50 over the art of record, but indicated that claims 1-35, 38 and 40-44 were allowed. By the present amendment and remarks, Applicant submits that the rejection has been overcome, and respectfully request reconsideration of the outstanding Office Action and allowance of the present application.

Traversal of Rejection Under 35 U.S.C. § 103(a)

Applicant traverses the rejection of claims 48-50 under 35 U.S.C. § 103(a) as obvious over WO 98/27279 in view of US patent 4,366,025 to GORDON, Jr. et al. and US patent 3,198,694 to JUSTUS.

The Examiner asserted that WO '279 discloses or suggests all the features recited in these claims except for a roll with grooves or blind bores, a rear doctor that scrapes off air,

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the recited pressures and the recited nozzles. However, the Examiner asserts that GORDON teaches the use of a roll with grooves or blind bores, that JUSTUS teaches the recited nozzles and that because the claims relate to an apparatus, the Examiner may properly disregard the recited functioning of the rear doctor and the recited pressures. Applicant respectfully traverses this rejection.

Notwithstanding the Office Action assertions as to what these documents disclose or suggest, Applicant submits that these documents fail to disclose or even suggest; inter alia, a cleaning device arranged within the housing, wherein the cleaning device can *impinge the roll surface with a medium under a pressure that is greater than approximately 20 bar and less than about 30 bar* in combination with *a low-pressure suction device arranged to suction a wedge-shaped opening formed by the rotating roll and the circulating belt*, as recited in amended independent claim 48; inter alia, a cleaning device arranged within the housing, wherein the cleaning device comprises *a rotating spray head that can impinge the roll surface with a medium under a pressure that is greater than approximately 20 bar and less than about 30 bar* in combination with *a low-pressure suction device arranged to suction a wedge-shaped opening formed by the rotating roll and the circulating belt*, as recited in amended independent claim 49; and inter alia, a cleaning device comprising *a spray head with nozzles that can impinge the roll surface with a medium under a pressure that is greater than approximately 20 bar and less than about 30 bar* in combination with a

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low-pressure suction device arranged to suction a wedge-shaped opening formed by the rotating roll and the circulating belt, as recited in amended independent claim 50.

Applicant acknowledges that Figs. 1 and 2 of WO '279 apparently show a roll 5, two doctors 3 and 4, and a cleaning device 9. However, this document contains no apparent disclosure with regard to the roll 5 having grooves and/or blind bores. Nor is there any disclosure with regard to a cleaning device arranged within the housing, wherein the cleaning device can impinge the roll surface with a medium under a pressure that is greater than approximately 20 bar and less than about 30 bar, or with regard to a cleaning device arranged within the housing, wherein the cleaning device comprises a rotating spray head that can impinge the roll surface with a medium under a pressure that is greater than approximately 20 bar and less than about 30 bar, or with regard to a cleaning device comprising a spray head with nozzles that can impinge the roll surface with a medium under a pressure that is greater than approximately 20 bar and less than about 30 bar. To the contrary, WO 279 merely discloses on page 4, line 19, that the pressure may be "a minimum of about 4 bar (60 psi)." Thus, there is no apparent disclosure in this document with regard to the recited pressure range of between greater than approximately 20 bar and less than about 30 bar. Finally, it is clear that this document is entirely silent with regard to a low-pressure suction device arranged to suction a wedge-shaped opening formed by a rotating roll and a circulating belt.

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Nor does Applicant dispute that Figs. 4 and 5 of GORDON show a roll 11 having blind bores. However, it is clear that this document also contains no disclosure with regard to a cleaning device arranged within a housing, wherein the cleaning device can impinge the roll surface with a medium under a pressure that is greater than approximately 20 bar and less than about 30 bar, or with regard to a cleaning device arranged within the housing, wherein the cleaning device comprises a rotating spray head that can impinge the roll surface with a medium under a pressure that is greater than approximately 20 bar and less than about 30 bar, or with regard to a cleaning device comprising a spray head with nozzles that can impinge the roll surface with a medium under a pressure that is greater than approximately 20 bar and less than about 30 bar. Indeed, the Examiner has identified no disclosure in this document with regard to the recited pressure range of between greater than approximately 20 bar and less than about 30 bar. Finally, it is clear that this document is similarly entirely silent with regard to a low-pressure suction device arranged to suction a wedge-shaped opening formed by a rotating roll and a circulating belt.

With regard to JUSTUS, Applicant does not dispute that this document apparently discloses grooved rolls with a doctor assigned thereto. However, JUSTUS contains no apparent disclosure with regard to the combination of a front doctor that *scrapes water off of the rotating roll* and a rear doctor that *scrapes air off of the rotating roll*. It is also clear that this document fail to disclose or suggest that *an underpressure is hydrodynamically*

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produced by at least one of the front doctor and the rear doctor. Next, it is clear that this document contains no disclosure with regard to a cleaning device arranged within a housing, wherein the cleaning device can impinge the roll surface with a medium under a pressure that is greater than approximately 20 bar and less than about 30 bar, or with regard to a cleaning device arranged within the housing, wherein the cleaning device comprises a rotating spray head that can impinge the roll surface with a medium under a pressure that is greater than approximately 20 bar and less than about 30 bar, or with regard to a cleaning device comprising a spray head with nozzles that can impinge the roll surface with a medium under a pressure that is greater than approximately 20 bar and less than about 30 bar. Indeed, the Examiner has identified no disclosure in this document with regard to the recited pressure range of between greater than approximately 20 bar and less than about 30 bar. Finally, the Examiner has identified no disclosure in this document with regard to a low-pressure suction device arranged to suction a wedge-shaped opening formed by a rotating roll and a circulating belt.

Because each of the applied documents fails to disclose or suggest at least the above-noted features of the instant invention, Applicant submits that any proper combination of these documents fails to render unpatentable the combination of features recited in at least independent claims 48-50.

Further, even assuming, *arguendo*, that it would have been obvious to modify WO

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‘279 to include the missing features, (which Applicant submits it would not be), Applicant notes that the combination of the teachings of the applied documents would nevertheless fail to result in a device having the combination of features recited in at least claims 48-50.

Applicant directs the Examiner’s attention to the guidelines identified in M.P.E.P section 2141 which state that "[i]n determining the propriety of the Patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification." *In re Linter*, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972).

As this section clearly indicates, “[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).”

Moreover, it has been legally established that “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) Although a prior art device ‘may be capable of being modified to run the

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way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.’ 916 F.2d at 682, 16 USPQ2d at 1432.). See also *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992) (flexible landscape edging device which is conformable to a ground surface of varying slope not suggested by combination of prior art references).”

Additionally, it has been held that “[a] statement that modifications of the prior art to meet the claimed invention would have been ‘well within the ordinary skill of the art at the time the claimed invention was made’ because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993).”

Applicant submits that there is no motivation or rationale disclosed or suggested in the art to modify WO ‘279 in the manner asserted by the Examiner. Nor does the Examiner’s opinion provide a proper basis for these features or for the motivation to modify this document in the manner suggested by the Examiner. Therefore, Applicant submits that the invention as recited in at least independent claims 48-50 is not rendered obvious by any reasonable inspection and interpretation of WO ‘279 with GORDON and JUSTUS.

Finally, Applicant submits that the Examiner has set forth no legal basis for disregarding and/or for not giving patentable weight to the above-noted recited features.

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Applicant submits that the Examiner is not free to disregard features which describe and limit the invention. *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1306, 51 USPQ2d 1161, 1166 (Fed. Cir. 1999).

Moreover, even if the Examiner were correct that such features merely relate to function, Applicant submits that current US patent law allows a patentee to use such language. It has long been held that “there is nothing intrinsically wrong with the use of” functional language. *In re Swinehart and Sfiligoj*, 169 USPQ 226, 228 (1971). In that case, the CCPA (now called the CAFC) understood that such functional language would not define over the prior art, if the prior art inherently possessed the ability of performing the function. *In re Swinehart*, at 229. However, the Examiner has not demonstrated that any of the applied documents could inherently perform the so called recited function. Instead, the Examiner has chosen to essentially disregard such language. Applicant submits that this is improper. Even if the Examiner could properly characterize the recited language as merely functional, Applicant submits that the reasoning supporting the Examiner’s decision not to award patentable weight has not been properly based on what is inherent in the prior art, consistent with *In re Swinehart*.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the rejection of these claims under 35 U.S.C. § 103(a) and indicate that these claims are allowable.

Acknowledgment of Allowable Subject Matter

Applicant acknowledges and appreciates the Examiner's indication that claims 1-35, 38 and 40-44 are allowed.

New Claims are also Allowable

Applicant submits that the new claims are also allowable over the applied art of record. Specifically, claims 51-60 depend from claims 1 and 48-50 which were either indicated to be allowed and/or are believed to be allowable over the applied documents. Moreover, Applicant submits that claims 51-60 recite a combination of features which are clearly not disclosed or suggested by the applied art of record.

Accordingly, Applicant respectfully requests consideration of these claims and further request that the above-noted claims be indicated as being allowable.

CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious Applicant's invention, as recited in each of the pending claims. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

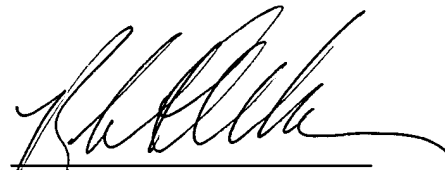
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Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

The U.S. Patent and Trademark Office is hereby authorized to charge any necessary fees in connection therewith or any fees necessary for entry of the instant Amendment to deposit account No. 19-0089.

Respectfully submitted,
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